

- a) **DOV/18/01379 – Reserved Matters application pursuant to outline permission DOV/17/0082 for the erection of a detached dwelling, with driveway, garage and parking – 64 Archers Court Road, Whitfield, Dover**

Reason for report - Number of contrary representations (12)

- b) **Summary of Recommendation**

Planning permission be granted.

- c) **Planning Policy and Guidance**

Development Plan

The development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act (2004) comprises the Dover District Council Core Strategy (2010), the saved policies from the Dover District Local Plan (2002), and the Land Allocations Local Plan (2015). Decisions on planning applications must be made in accordance with the policies of the development plan unless material considerations indicate otherwise.

In addition to the policies of the development plan there are a number of other policies, standards and legislation which are material to the determination of planning applications including the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the Planning (Listed Buildings and Conservation Area) Act (1990), together with other local guidance.

A summary of relevant planning policy is set out below:

Dover District Core Strategy (2010)

Policy DM1- Settlement boundaries

Policy DM13 – Parking provision.

National Planning Policy Framework (NPPF) (2019)

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and

history and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

The Kent Design Guide (2006)

The guide provides criteria and advice on providing well designed development, emphasising that context should form part of the decision making around design.

d) **Relevant Planning History**

DOV/17/00882: Outline application (with all matters reserved) for the erection of a detached dwelling, with driveway, garage and parking and parking and a garage for 64 Archers Court Road (existing buildings to be demolished) – ALLOWED AT APPEAL (APP/X2220/W/17/3189804). 13 conditions were attached, they are summarised below:

1. Approval of reserved matters by LPA
2. Application for reserved matters within three years
3. Development to begin within two years
4. Dwelling to be single storey
5. Side window of no. 64 Archers Court Road to be blocked up
6. Full details and samples if requested of materials to be used to be submitted
7. Details of arrangements to avoid damage to existing vegetation to be submitted
8. Details of boundary treatment to be submitted
9. Details of hard surfacing to be submitted
10. Refuse and recycling
11. Removal of permitted development rights for extensions, enlargements and alterations.
12. Details of scheme for disposal of surface water to be approved
13. Details of scheme for disposal of foul sewage

e) **Consultee and Third Party Responses**

Representations can be found in full in the online planning file. A summary has been provided below:

DDC Arboriculturist: The report confirms that that the trees located at 1b Newlands, if managed appropriately, can remain unaffected by the proposed development, largely due to the footprint of the dwelling being located outside the tree's RPA. To ensure that this happens the following recommendations made within the report should be conditioned – (1) Above ground constraints (2) Ground protection.

KCC Archaeologist: In this instance, I have no comment to make.

Southern Water: No objections to the reserved matters application. Approval for the foul connection should be submitted under a separate application to Southern Water.

KCC Highways: Although the application is outside of the consultation protocol, KCC Highways have provided a recommended informative which will be attached to the decision notice, should members grant permission for this application.

River Parish Council: No objection to the reserved matters application. However, measures should be put in place to ensure that the conditions placed upon the original outline application are adhered to and it would be prudent to confirm that stakeholders have recourse to confirm that conditions are met.

Third Party Representations:

Objections

There have been 12 objections from the public consultation of the application, summarised as following:

- Dwelling is larger than approved on the outline application
- Dwelling is too big for the plot, overdevelopment
- Dwelling is sited too close to shared boundaries and overbearing
- Roof would be visible from street
- Dwelling would be imposing from street
- Increased noise from vehicle movements
- Would harm the re-sale value of surrounding properties
- Applicant would burn waste
- Hazardous pigeon waste would cause harm to our health
- Dwelling would lead to overlooking, interlooking and loss of privacy
- Fire safety concerns
- Development would lead to a loss of light
- Incorrect plans are submitted

Support

There have been 9 letters of support from the public consultation of the application, summarised as following:

- Dwelling is well designed and well thought out
- Dwelling would have minimum impact on the streetscene and on people's lives
- Building is hidden, out of sight from street
- Development would leave a good size garden for no. 64
- Outbuildings have been left to deteriorate and are an eyesore for neighbours, the new dwelling would provide a fresh new outlook
- Improves the appearance of the site
- Dwelling is not intrusive
- Single storey only and would be contained within existing development

f) **1. The Site and the Proposal**

1.1 The application site comprises a detached single storey dwellinghouse located on Archers Court Road in Whitfield, Dover. The existing dwelling benefits from a large rear garden, which has already been split into two separate plots. The site includes a number of outbuildings previously used for housing pigeons. These are now disused and some of them have been demolished. The rear garden, which is mainly laid to grass, can be accessed via the existing driveway to the side (north-east) of the dwelling.

1.2 The existing boundary treatment varies around the site and includes hedgerow along the north-eastern boundary together with an existing single storey timber

outbuilding that forms part of the boundary treatment, a 1.8m close-boarded fence along the rear south-eastern boundary and 1.8m close-boarded fencing with trellis above along the south-western boundary. There is a brick wall along the front boundary (north-west) and a 1.2m high timber fence along the driveway at the front (north-west) of the site.

- 1.3 The main dwellinghouse is visible within the streetscene and views of the roofs of neighbouring properties to the south-east and south-west are possible through the gaps and spaces between no. 64 and its adjoining neighbours on either side. Views of the rear roofslope of the main dwellinghouse can be achieved through the gaps and spaces between the dwellings Newlands, to the rear (south-east) of the application site. The main dwelling is a 1930s, detached chalet bungalow finished in red brickwork, with a plain tiled roof, a block paved driveway suitable for the parking of two vehicles and small front garden area.
- 1.4 Archers Court Road is a relatively straight residential road with no noticeable changes in ground levels. The properties on either side of the road are a mixture houses and bungalows, with houses being more prominent on the south side of the road. The properties in Archers Court Road vary considerably in size and design.
- 1.5 The approximate dimensions of the site are:
 - Width – 15.4 metres
 - Depth – 74.6 metres.

Proposal

- 1.6 The application is for the approval of the reserved matters pursuant to the outline permission DOV/17/00882 which was allowed at appeal on 26th March 2018. The reserved matters to be approved are: access, appearance, landscaping, layout and scale. The proposed development comprises the erection of a single storey dwellinghouse to the rear of no. 64 Archers Court Road, following the demolition of existing outbuildings on site. A garage would be erected to serve the proposed dwelling and the existing access driveway along the side (north-east) of no. 64 would be extended and block paved.
- 1.7 The plot would be subdivided and 1.8m high close-boarded timber acoustic fencing would be erected around the boundaries of the garden to be retained by no. 64 and also along the driveway. The existing 1.8m high closeboarded timber fencing along the south-west boundary of the site would be retained. The existing 1.5m hedge along the north-eastern boundary of the site would be retained where possible and infilled with 1.8m closeboarded timber fencing. The 1.8m closeboarded timber fence along the rear (south-eastern) boundary of the site would be retained.
- 1.8 The proposed dwelling would have four bedrooms, a bathroom, an open plan kitchen/dining room and a lounge. The double garage would provide parking and storage space and would host the bicycle storage. The proposed bin storage point would be to the front (north-west) of the proposed dwelling between two areas of planting. The dwelling would be finished in red brickwork on the external walls, its hipped roof would be finished in plain tiles with bonnet hip detailing, windows would be either grey aluminium or grey uPVC and the driveway and hard surfacing would be finished in grey permeable block paving.

- 1.9 The existing access driveway would be extended and would measure approximately 38 metres and would lead to a parking and turning area for the new dwelling, as well as the proposed garage. The existing 1.2m high and 7m wide fence at the front (north-west) of the driveway would be retained. The existing vehicular crossover would be used to provide access from the highway into the site.
- 1.10 The dimensions of the proposed subdivided plot are:
- Width – 15.4m
 - Length – 36.8m
- 1.11 The dimensions of the plot to be retained for no. 64 are:
- Width – 15.4m
 - Length – 37.8m
- 1.12 The dimensions of the proposed dwellinghouse are:
- Width – 11.6m
 - Depth – 19m
 - Height to eaves – 2.2m
 - Maximum height – 5m
 - Gap between dwelling and rear (south-east) boundary: 7m
 - Gap between dwelling and side (north-west) boundary: 2.8m
 - Gap between dwelling and side (south-west) boundary: 1m
 - Gap between dwelling and front (north-west) boundary: 10.8
 - Gap between front (north-west) elevation of proposed dwelling and rear (south-east) elevation of no. 64 Archers Court Road: 31m
- 1.13 The dimensions of the proposed garage are:
- Width: 6.7m
 - Depth: 5.5m
 - Height to eaves: 2.2m
 - Maximum height: 4.6m

2 Main Issues

Assessment

The main issues to consider are:

- Principle
- Visual Amenity and Design
- Residential Amenity
- Access, Parking and Highways
- The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment
- Other matters

Principle

- 2.1 The principle of the development was considered at the outline planning application and is not for consideration at this reserved matters stage. Application DOV/17/00882 established that the principle of the development is acceptable on this site.

2.2 The application for outline planning permission was refused under delegated powers for the following reasons:

1. The proposal would constitute unacceptable backland development, out of keeping with the established pattern of development in the locality. In particular, the indicative plans show a development that would have a much larger footprint than the surrounding dwellings; it would appear as a dominant feature, at odds with the hierarchical pattern that would be expected. It would result in a cramped overdevelopment of the site and would be detrimental to the prevailing spatial and visual character of the area. The proposal would be contrary to the NPPF, in particular paragraphs 17. 56, 57 and 58.
2. By reason of the intensification of the use of the access between the proposal would result in an unacceptable impact upon the amenities of the occupiers of no. 66 Archers Court Road and 1C Newlands, through the introduction of vehicle movements along the side and rear of these properties and the associated activity and disturbance that would arise from these movements. The proposed development is therefore contrary to Paragraph 17 of the National Planning Policy Framework.

2.3 However, the applicants appealed the decision, which was allowed. The Inspector considered the above reasons for refusal but stated that the proposal would not significantly harm the character and appearance of the area and although the development would have some effect on the living conditions of the occupiers of No.s 64 and 66 Archers Court Road and 1C Newlands in relation to noise and disturbance, it would not be so significant as to justify withholding planning permission.

Visual Amenity and Design

2.4 This application follows the outline planning permission which included an indicative plan to demonstrate how the development could be accommodated on the site. However the appearance, landscaping, layout and scale of the dwelling were all reserved. The current application proposes a layout which broadly replicates the layout shown on the indicative plans provided at the outline stage, however the current application proposes a larger dwelling with one more bedroom to accommodate the applicant's growing family. Comments were received stating that the dwelling illustrated in the plans submitted with the outline application was much smaller than the dwelling now proposed. Since the appearance, layout and scale of the development are all reserved matters to be considered in the present application, it is considered reasonable that the size and layout of the proposed dwelling could change. In any case, the dwelling illustrated in the outline plans was identified as a three bedroomed, single storey property and the dwelling proposed in this reserved matters application is a four bedroomed, single storey property.

2.5 The proposed dwelling would be single storey with no accommodation in the roof space. The low profile, single storey dwelling and detached garage are considered to be unobtrusive and it is unlikely that the dwelling and garage would not be overly prominent when viewed from the wider area. Numbers 64, 62-58 Archers Court Road and the properties in Newlands to the rear of the site are chalet bungalows and bungalows in variety of styles demonstrating that a range of buildings are suitable for the area. The proposed dwelling would retain a

good amount of amenity space along all boundaries of the site for intended occupants. The subdivision of the site has made the unusually large plot into two plots that are more reflective of the size of the adjoining plots. The scale of the proposed development is therefore considered to be acceptable. The existing trees in neighbouring gardens are also considered to provide value and would be unaffected by the proposal.

- 2.6 The proposal would comprise a backland form of development which is not common in this area; however there are precedents along the road, behind no. 11a, a pair of houses behind nos 18 and 18a, and a similar permission behind no. 20. In any event, the proposed dwelling would be screened from the surrounding public roads by frontage housing, both on Archers Court Road and on Newlands and would only be readily visible from the driveway of no. 64 and between the gaps between nos 4 and 5 Newlands, above their garages.
- 2.7 The proposed dwelling is not considered to significantly detract from the spatial character or appearance of the area and is considered unlikely to have an adverse visual impact on the quality or amenity of its surroundings. The design of the dwelling is traditional and both the detached garage and dwelling would be finished in traditional materials to match each other. As the proposed dwelling would be single storey, with no accommodation in the roof space, the dwelling would have a fairly low profile and would be in keeping the size and scale of surrounding development. For this reason, it is considered that the scale, design, appearance and materials are acceptable and comply with the aims and objectives of the NPPF, as set out in paragraph 124, in particular.

Impact on Residential Amenity

- 2.8 The dwelling would be single storey with no accommodation in the roof space. This could be secured by a condition, should permission be granted. Additionally, there are no noticeable changes to the ground levels in the immediate area. As such, no overlooking could occur from the proposed dwelling to the neighbouring properties. A condition requiring existing and proposed slab heights to be submitted and approved would confirm this. A single storey dwelling would not appear over prominent in its setting or overbearing when seen from neighbouring properties.
- 2.9 The Planning Inspector, in his decision letter dated 26th March 2018, discussed the living conditions of neighbouring occupiers. He considered the proposed access driveway and concluded that the proposal would have some effect on the living conditions of the occupiers of nos 64 and 66 Archers Court Road and no. 1c Newlands in relation to noise and disturbance but not so significant as to justify withholding planning permission. The applicants have included the erection of 1.8m acoustic fencing along the boundaries of the site closest to the access driveway and turning area to mitigate the noise and reduce any potential disturbance. It is considered that; given the size of the bungalow proposed, that the access is mostly existing, and that acoustic fencing would be installed, the development would be unlikely to result in a significant increase in noise and disturbance to neighbouring properties.
- 2.10 Additionally, the Inspector stated that it would not be appropriate, at outline stage, to specify any obscure glazed/non opening windows be installed. However, since the detailed design is included in this application, it is considered reasonable to specify that the window serving the en-suite bathroom on the south-west facing side elevation of the proposed dwelling be fitted with obscure

glazing, sufficient to prevent clear through views, and be non-opening. This condition is considered reasonable given the close proximity of this window to the shared boundary with no. 62. Other windows and doors on the south-west and north-east facing side elevations are set back and would be mostly screened by the proposed 1.8m closeboarded fencing along both side boundaries of the site. The Inspector also attached a condition requiring the side window of no. 64 Archers Court Road to be blocked up to preserve the standard of amenity enjoyed by the occupiers of that dwelling. This condition does not therefore need to be added to this permission.

2.11 Additionally, when visiting the site, the ground level of the application of the site appeared to be uneven. To ensure that the finished ground level of the site would match the ground level of neighbouring dwelling, it is considered reasonable to attach a condition to any grant of permission requiring existing and proposed slab heights to be submitted. This will ensure that the dwelling would not lead to any overlooking or significant loss of privacy to neighbouring occupiers.

2.12 Subject to conditions, the proposal is considered to adequately protect the residential amenities enjoyed by neighbouring occupiers and is therefore acceptable in this regard and would accord with paragraph 127 of the NPPF.

Access, Parking and Highways

2.13 The proposed dwelling would be accessed via the existing driveway. The access is already in place and can be used by the occupiers of no. 64 to enter their garden if required, however the access would be extended and finished in permeable block paving should permission be granted, to provide access for the new dwelling. Previously, there was a detached garage to the rear of the driveway, approximately 18m into the site. This has now been demolished and is not proposed to be replaced. The driveway now provides access to the subdivided plot.

2.14 As discussed above, to provide a good standard of amenity for the occupiers of no. 64, the window serving the bathroom on the side (north-east) elevation of the dwelling would need to be blocked up. A condition to this effect was attached to the outline planning permission.

2.15 In terms of the proposed parking, policy DM13 requires that two independently accessible parking spaces are provided in this location. The application shows parking space for two vehicles to be retained for no. 64 as well as two off street parking spaces for the proposed dwelling with sufficient turning space and a detached double garage which could also be used for parking. The turning space proposed ensures that no vehicle would have to enter the site in a reverse gear or leave the site and enter the highway in a reverse gear. The proposal is considered acceptable in terms of parking and complies with policy DM13 of the Core Strategy as well as Paragraph 109 of the NPPF.

The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment:

2.16 All impacts of the development have been considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and

Pegwell Bay.

- 2.17 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2011, 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.18 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves.
- 2.19 The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.
- 2.20 Given the limited scale of the development proposed by this application, a contribution towards the Councils Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.
- 2.21 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed.

Other Matters

Trees

- 2.22 There are two trees in the rear garden of no. 1b Newlands that are located close to the south-west elevation of the proposed dwelling. A report on the trees and the protection of them was required by DDC's Arboriculture Officer for the present application. The report was received on 1st March 2019. After considering this report, the Arboriculture Officer stated in his comments that the trees located at 1b Newlands, if managed appropriately can remain unaffected by the proposed development, largely due to the foot point of the dwelling being located just outside of the tree's Root Protection Areas. To ensure this happens, the following recommendations that were made within the report were then recommended to be conditioned by the Tree Officer:
- Above ground constraints: pruning of the crowns of both trees by no more than two metres on the northern side only, prior to the erection of scaffolding. This will also assist in removing any future conflict between the trees and the proposed development.
 - Ground protection: installation of the recommended ground protection measures

in accordance with the associated tree constraints/protection plan prior to any construction works commencing.

The Inspector attached a condition relating to the protection of the existing vegetation on site. The conditions recommended by the Tree Officer do not overlap with the Inspector's condition and therefore should be attached to the present application, should the reserved matters application be approved.

Fire Safety

- 2.23 The fire engine access distance is 45m from the highway. The approximately length of the driveway is 38m and the width is 3m. Although this arrangement is considered to comply with the fire engine access distance it is considered reasonable to attach a condition to any grant of permission requiring an internal sprinkler system to be installed and maintained. In any case, a sprinkler system would principally be addressed by Building Regulations and therefore would not be a reason for refusing such a proposal.

Refuse and Recycling

- 2.24 The Inspector has attached a condition requiring details of refuse and recycling storage to be submitted. This was indicated on drawing no. 6084/A2/06, submitted with this reserved matters application. Guidance on refuse and recycling storage and collection recommends that occupants should not have to 'carry out' their bins more than 25m to the nearest collection point. Although no details of the refuse collection point has been submitted, it is expected that the occupants of the proposed dwelling's refuse bins would be collected from Archers Court Road. Although this does not comply with the recommended 25m carry out distance, it would ultimately be for the intended occupants to determine whether this arrangement is suitable for them or not. As no such details have been submitted, it is considered reasonable to attach a condition to any grant of permission requiring details of refuse and recycling collection to be submitted and approved in writing by the LPA prior to the first occupation of the dwelling.

Drainage

- 2.25 It is noted that there are known issues with drainage in Whitfield. The Inspector attached two conditions relating to drainage to the outline permission. The first condition requires details of a scheme for the disposal of surface water to be submitted and approved by the local planning authority and implemented before the dwelling is first occupied. The second condition requires details of a scheme for the disposal of foul sewage from the site has been submitted and approved by the LPA and implemented prior to the first occupation of the dwelling. The conditions are considered adequate to deal with the draining in relation to a single dwelling and no further conditions are required.

3. Conclusion

- 3.1 The proposal is considered acceptable and the design is considered to be sympathetic and it would not significantly detract from the character and appearance of the streetscene. It is considered that no significant or adverse impact would be caused to neighbouring occupiers and that the residential amenity enjoyed by neighbouring occupiers would be adequately preserved. The proposal is considered acceptable in terms of parking, access and highway safety. The proposal is considered acceptable in all other material aspects,

accordingly the development would comply with the aims and objectives of the NPPF and is considered to represent sustainable development bringing with it the benefit of additional housing in line with Paragraph 59 of the NPPF.

g) **Recommendation**

I. PERMISSION BE GRANTED subject to the following (summarised) conditions:

1. Approved plans
2. Samples of materials to be submitted
3. Window on south-west facing elevation serving the bedroom of dwelling hereby approved, to be obscure glazed and non-opening
4. Details of refuse and recycling collection to be submitted
5. Provision and retention of parking and turning spaces
6. Existing and proposed slab levels to be submitted
7. Sprinkler system to be installed
8. Tree pruning restricted to no more than 2m on the northern side only
9. Installation of ground protection measures for trees

Informatives

1. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- II. Powers be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by Planning Committee

Case Officer

Elouise Mitchell